



2008 Human Rights Report: Maldives

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2008 Country Report on Human Rights Practices

February 25, 2009

The Republic of Maldives is a constitutional democracy with a strong executive and, according to estimates, a population of approximately 390,000. The president appoints the cabinet and eight members of the 50-member parliament. The president derives additional influence from his constitutional role as the "supreme authority to propagate the tenets of Islam." On August 7, President Maumoon Abdul Gayoom ratified a new constitution that paved the way for the first multiparty presidential election. On October 8, candidates from six political parties participated in the first round. However, of the two candidates receiving the highest vote counts, neither President Gayoom, a member of the dominant Dhivehi Rayyithunge Party, nor Mohamed Nasheed, a former political prisoner and the leader of the opposition Maldivian Democratic Party, had sufficient support to secure a win. A runoff election between President Gayoom and Mohamed Nasheed occurred on October 29, with Nasheed defeating Gayoom. Election observers from the British Commonwealth, Colombo-based diplomatic missions, and local organizations such as Transparency Maldives reported the elections were relatively free and fair, with minor voting irregularities. The new constitution establishes a separation of powers and a bill of rights. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record continued to improve from the previous year, although some issues remained. Security forces occasionally abused detainees. Unequal treatment of women existed, as did restrictions on workers' rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

On March 17, authorities charged police corporal Ahmed Shah with assault in connection with the 2007 death of Hussain Salah near the police base of Atoluvehi. Salah had been arrested on drug charges and police claimed that he had been released, but the Human Rights Commission of Maldives (HRCM) concluded there was insufficient evidence to try Shah, and the case was being treated as a suspected custodial death. Shah's trial continued at year's end.

In May the HRCM appealed court rulings that dismissed a suit involving the 2005 custodial death of Muaviath Mahmood on the grounds that Mahmood's family, not the commission, should have filed the suit. The HRCM argued that if the 2007 court ruling that dismissed the case were upheld and taken as a precedent, it would not be able to carry out its duties under the Human Rights Commission Act.

On September 20, Deputy Home Minister Abdullah Waheed confirmed that eight former security officers originally

sentenced to death for the 2003 killing of Maafushi prison inmate Evan Naseem had their sentences reduced to house arrest. The new punishment was not enforced.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibited such practices, although there were reports of mistreatment of persons by security forces.

In April the Maldivian Detainee Network (MDN) reported that police beat six prisoners in Dhoonidhoo detention center after their arrest during a crackdown on gang violence. A subsequent hunger strike by inmates reportedly led to further police abuse.

In May the mother of one of the Dhoonidhoo detainees filed a complaint with the HRCM alleging her son was beaten while in custody. The detainee, Ahmed Simhan, had turned himself into police in Male in February in connection with an investigation into gang-related violence that had resulted in the death of a gang member.

Prison and Detention Center Conditions

Prison conditions generally met international standards, although officials did not hold pretrial detainees separately from convicted prisoners.

In 2007 the HRCM issued a report criticizing the lack of medical provisions in Dhoonidhoo detention center. There was no reported response to the HRCM's findings.

According to the MDN, in May more than 300 inmates at Maafushi petitioned the president demanding better ventilation, amelioration of overcrowded conditions, and the cessation of beatings with batons. An eight-member government committee later inspected conditions in Maafushi and submitted recommendations for corrective measures. The demands followed a June 2007 six-day hunger strike to force a meeting with government officials to discuss their grievances.

The police continued to refuse independent access to 60 individuals arrested following the September 2007 bombing in Male. Other prisoners reported that authorities did not give these prisoners access to lawyers and subjected them to physical abuse.

Citing an overcrowded prison system, President Nasheed transferred 119 prisoners to house arrest in December. Opposition leaders accused the government of releasing hardened criminals and violating normal parole procedures.

The government generally permitted regular, unannounced prison visits by the HRCM, and in February the International Committee of the Red Cross (ICRC) visited security detainees in prison and in one case at the home of one detainee under house arrest. The government also allowed unfettered access to prisons by the jail oversight committee of judges and members of parliament. The oversight committee had a mandate to visit quarterly and submit a report directly to the president. These reports were not available to the public.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention, but the government had broad authority to arrest and detain

suspects. In practice there were reports that police arrested and held persons arbitrarily for short periods of time.

In June numerous family members of 31 detainees from Khulhudhufushi island being held at Dhoonidhoo detention center complained that they had not been told the reason for their family members' detention. Shortly after these complaints, authorities released the detainees.

Role of the Police and Security Apparatus

The Maldives National Defense Force (MNDF) collected intelligence, made arrests, and enforced house arrest. Although the MNDF was responsible for external security, it also had a role in internal security. The director of the MNDF reported to the minister of defense. On August 5, the majlis passed a new Police Act that established legal parameters for the force's role and placed the police directly under the control of the president.

Police initiated investigations in response to written complaints from citizens, police officers, and government officials or on suspicion of criminal activity. Prior to the ratification of the new constitution in August, police were not legally required to obtain arrest warrants or inform an arrested person of his rights, but government officials stated that in practice they urged law enforcement officials to inform arrested persons of their rights. The Attorney General (AG) referred cases to the appropriate court based on the results of police investigations. The authorities generally kept the details of a case secret until they were confident that the charges were likely to be upheld.

The Star Force, also referred to as the Special Operations Department, is an elite unit of the Maldives Police Service. In its annual report issued during the year, Reporters Without Borders alleged that in 2007 the Star Force was involved in arrests of journalists and antigovernment demonstrators. Their tactics reportedly included physical attacks and threats.

The Police Integrity Commission, established in 2006 to investigate allegations of police corruption and impunity, was ineffective, holding no hearings during the year. However, under newly elected President Nasheed, five new commissioners were named on December 19. The commission was the primary mechanism available to investigate security force abuses.

Arrest and Detention

The constitution provided for an arrestee to be informed of the reason for arrest within 24 hours and provides for the right to hire a lawyer. The law requires that a detainee be informed of the right to a lawyer at the time of arrest. Changes to the law of arrest required no person be arrested unless the arresting officer observed the offence, had reasonable evidence, and had an arrest warrant issued by the court. The court does not appoint legal counsel. According to the AG, police normally informed the arrestee's family of the arrest within 24 hours, although the law does not require that police inform the family of the grounds for the arrest. Authorities generally permitted detainees to have counsel present during police questioning. Prisoners had the right to a ruling on bail within 36 hours; however, there were reports that bail procedures were not publicized adequately, explained, or implemented consistently.

The law provides for investigative detention. Once a person is detained, the arresting officer must present evidence to a legal committee within 24 hours. The committee can recommend detention for up to seven days pending further investigation. After the seven days expire, the officer can petition a second committee, which can then recommend detention for a maximum of 15 additional days. If the authorities are unable to present sufficient evidence after the 22 days provided, the prisoner is eligible for release, although judges have the authority to extend detention past 22 days upon receiving an arresting officer's petition citing factors such as the detainee's previous criminal record, the status of the investigation, the type of offense in question, and whether the detainee

might pose a threat if released.

e. Denial of Fair Public Trial

On September 18, the government established an interim Supreme Court. The five-member court, appointed by the former president, was independent from the executive. It hears appeals from the High Court and constitutional matters brought directly before it. The seven-member Judicial Services Commission (JSC) appointed, dismissed, and examined the conduct of all judges and recommended candidates for judgeships to the president; the legislation setting up the commission permits the body to accept or veto presidential appointments to judgeships. Since it was founded on September 5, the JSC has not publicized deliberations or made public recommendations on the hiring, dismissal, or discipline of any judges.

There are three lower courts: one for civil matters, one for criminal cases, and one for family and juvenile cases. The High Court handles a wide range of cases, including politically sensitive ones. The president's judicial advisory council, led by the chief justice, reviews all appealed court rulings.

Trial Procedures

The law provides that an accused person be presumed innocent until proven guilty and that an accused person have the right to defend himself "in accordance with Shari'a (Islamic law)." The judiciary generally enforced these rights. During a trial the accused may call witnesses and has the right to be represented by a lawyer, although one is not appointed at public expense. Regulations rather than laws govern trial procedures. By tradition the prosecution collects all evidence and presents it to a judge, who has the discretion to choose what evidence he will share with the defense. Judges question the concerned parties and attempt to establish the facts of a case.

Most trials were public and were conducted by judges and magistrates, some of whom were trained in Islamic, civil, or criminal law. There were no jury trials.

Civil law was subordinate to Shari'a, which was applied in situations not covered by civil law, as well as in family matters such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally did not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions should come directly from the parties involved. However, the High Court allows legal counsel in all cases, including those in which the right to counsel was denied in a lower court. Those convicted had the right to appeal. Under the country's Islamic practice, the testimony of two women equals that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases the testimony of men and women was equivalent.

Political Prisoners and Detainees

The government maintained that there were no political prisoners; however, the Maldivian Democratic Party, (MDP), international nongovernmental organizations (NGOs), and some foreign governments asserted that persons were held for political reasons. On October 28, the UK-based organization Prisoners of Conscience stated that there were 24 persons under arrest on political charges. The MDN maintained a list of 200 members of the former opposition who faced outstanding charges for terrorism, unlawful assembly, or defamation.

President Nasheed, a former political prisoner, appointed a presidential committee that met with prisoners in Maafushi on Nasheed's first full day in office. On November 26, the president appointed an eight-member national parole board.

The government dropped charges against and restored the passport of MDP member Ibrahim Hussein Zaki, who

was arrested in 2006 and charged with "inciting enmity against the lawful government." President Nasheed appointed Zaki to serve as the president's spokesman and senior advisor.

Civil Judicial Procedures and Remedies

A civil court addressed noncriminal cases. However, as with the criminal courts, the judiciary was subject to executive influence. There were no reported cases of individuals seeking redress for human rights violations through civil courts. No administrative remedies were available.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibited security officials from opening or reading wireless messages, letters, telegrams, or monitoring telephone conversations, "except as expressly provided by law." In practice the government generally respected privacy rights. Security forces may open the mail of private citizens and monitor telephone conversations if authorized to do so during a criminal investigation.

Although the law provides that residential premises and dwellings should be inviolable, there was no legal requirement for search or arrest warrants. The AG or a commanding officer of the police must approve the search of private residences.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The new constitution guarantees freedom of expression and of the press. Prior to its ratification, the law provided for limited freedom of speech and of the press, which the government at times utilized to limit these rights in practice. The law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam" and prohibits inciting citizens against the government.

In October 2007 President Gayoom issued a decree banning "words or actions likely to encourage extremism" and promising "action against anyone suspected of being a religious extremist" in response to a September 2007 bombing in Male.

Police occasionally harassed members of opposition political parties for criticizing the government.

There are almost 200 independent newspapers and periodicals; however, government ministers own several of the daily publications.

During the year a private television and radio station began operations, and the government television station transitioned to a more independent model. The government did not interfere with the sale of satellite receivers. The government radio and television stations presented reports drawn from foreign newscasts. The government committed to permitting the functioning of independent radio stations in its Reform Roadmap. As a result a number of private radio stations began operating representing a variety of points of view.

In January 2007 the government revised its defamation regulations following a protest by journalists. Journalists, primarily opposition reporters, stated that they faced harassment during the year. In March authorities arrested Minivan Daily photographer Ibrahim Jauhuree on a drug charge that his colleagues alleged was politically motivated. In November the High Court ordered his release. On May 3, police broke up a World Press Freedom Day conference. The same day, police arrested journalist Aishath Aniya for an article that criticized the wearing of

Islamic veils by women. She was released the same day.

Although an amendment to the law decriminalized "true account(s)" of government actions by journalists, both journalists and publishers reported practicing some self-censorship. By year's end both print and electronic media were able to report largely unfettered by government censorship or interference.

There were no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values.

Internet Freedom

The government generally did not interfere with the use of the Internet, which was widely available in the capital and increasingly present in outlying atolls.

Academic Freedom and Cultural Events

The law prohibited public statements contrary to government policy or to the government's interpretation of Islam. In response to the law, there were credible reports that academics practiced self-censorship.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly; however, in practice the government imposed limits on this right.

The government permitted members of political parties, including those in the opposition, to hold public meetings and rallies with prior notification to the government. The police banned night rallies. Some rallies and demonstrations passed without incident or with minimal arrests. Members of the opposition stated that their right to peaceful protest was restricted, while government officials countered that demonstrators gathered late at night and violated reasonable time, place, and manner restrictions on assembly. In July authorities arrested 13 demonstrators in Male during a rally criticizing the president for delays in the constitutional ratification process. Authorities released all of them within 24 hours.

Freedom of Association

The law provided for freedom of association; however, the government imposed some limits on freedom of association in practice. The government registered clubs and other private associations only if they did not contravene Islamic or civil law.

In July 2007 Zaheena Rasheed won her case against the government for wrongful dismissal. A civil court judge ordered the atolls ministry to pay 16,000 rufiyas (\$1,270) in compensation for lost earnings. Rasheed was fired three days after she was seen at an MDP rally in November 2006.

c. Freedom of Religion

The law did not provide for freedom of religion and significantly restricted it. The constitution designates Sunni Islam as the official state religion, and the government interpreted the provision as imposing a requirement that citizens be Muslims. The law prohibits the practice of any religion other than Islam and generally confers citizenship

exclusively on Muslims. The government allowed non-Muslim foreign residents to practice their religion only if they did so privately and did not encourage citizens to participate. The president, members of the people's majlis, and cabinet members were required to be Muslim.

There were no places of worship for adherents of other religions. The government prohibited the import of icons and religious statues, but it generally permitted the import of religious literature, such as Bibles, for personal use. It also prohibited non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith was a violation of the government's interpretation of Shari'a and may result in punishment, including the loss of the convert's citizenship; however, there were no known cases of such loss of citizenship.

Through the Supreme Council of Islamic Affairs, the government mandated Islamic instruction in schools, funded the salaries of religious instructors, and certified imams, who were responsible for presenting government-approved sermons. No one may publicly discuss Islam unless invited to do so by the government, and imams could not prepare sermons.

Societal Abuses and Discrimination

There were some reports of discrimination against various Islamic subgroups.

In June 2007 police raided a mosque using batons against the congregation. The police suspected the worshipers to be followers of Wahhabi Islam.

In October 2007 authorities raided an "illegal mosque" on Himandhoo Island in connection with the investigation of the September 2007 Sultan Park terrorist bombing. Police arrested 63 individuals they defined as "religious radicals" but subsequently released 27 of them. In December 2007 the government charged six of the detainees with using violence in an unlawful assembly in August 2006. These six were part of a group of 10 whom police previously arrested, charged, and then released in relation to the August 2006 incident. In April a court sentenced three of them to six months in jail.

There were no known Jewish citizens, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. Employers often housed foreign workers at their worksites. The use of banishment to a remote atoll as a punishment was less common.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees or asylees. The government has cooperated in the past with the Office of the UN High Commissioner for Refugees; however, asylum issues did not arise during the year. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Elections and Political Participation

On August 7, President Gayoom ratified a new constitution that set in motion multiparty presidential elections. On September 5, the government established an independent elections commission to oversee voting for the presidential election, the first round of which occurred on October 8. The constitution lowered the voting age from 21 years to 18 years to encourage greater participation. There were more than 400 polling stations across the country and in some locations abroad. Six candidates competed in the first election held October 8. The then president Gayoom and opposition leader Mohamed Nasheed competed in the second round of voting, required because no candidate had received 50 percent in the first round. On October 28, Mohamed Nasheed won the runoff election, receiving 53.65 percent of the vote.

The NGO Transparency Maldives monitored the run-off election and reported that polling officials were impartial and that election procedures were followed more closely than in the first round of voting on October 8. Despite these positive reports, observers reported registration problems. During the campaign each candidate competed without government interference. In the first round of elections, the Election Commission Complaints Bureau received 1,109 complaints, most of which were related to registration problems. Four of these cases were submitted to the prosecutor general. The election commission reported some electoral irregularities including problems with voter lists, identification cards, and indelible ink.

The newly adopted constitution stipulates that parliamentary and local elections should be held by February 2009.

By both law and custom, the Office of the President is the most powerful political institution, and the law designates the president as the "supreme authority to propagate the tenets" of Islam. However, the new constitution greatly enhances the power of the majlis, or parliament, relative to the president.

The president's mandate to appoint eight of the 50 members of the current legislature provided him strong political leverage. The members of the legislature, who must be Muslims, serve five-year terms. Individuals or groups were free to approach members of the legislature with grievances or opinions on proposed legislation, and any member of the legislature may introduce legislation.

A limited number of women held prominent positions in government. The attorney general, the minister of health and family, the deputy minister of education, and six members of parliament are female.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. An anticorruption board investigated allegations of corruption in the government. The board met regularly and referred cases, usually concerning monetary fraud, to the AG. The Prevention of Corruption Act addresses bribery and abuse of power. According to the Anticorruption Board, during the year 10 corruption cases were referred to the AG for prosecution, 26 cases were filed against government offices in Male, and 62 were filed in the atolls. These cases were under investigation at year's end.

There are no laws that provide for access to government information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were few independent local human rights groups, including Hama Jamiyya and Transparency Maldives. In 2006 the Foreign Minister and AG established an NGO called the Open Society Association; during the year authorities officially registered an NGO called the Maldivian Detainee Network.

NGOs reported that they exercised self-censorship.

The HRCM was fully functional, with Ahmed Saleem serving as president.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for the equality of all citizens, but there is no specific provision to prohibit discrimination based on race, sex, religion, disability, or social status. Women traditionally were disadvantaged, particularly in the application of Shari'a in matters such as divorce, education, inheritance, and testimony in legal proceedings.

Women

There are no laws in force regarding domestic violence against women, nor was there firm data on the extent of violence against women, although a 2005 HRCM survey indicated that many citizens believed men should be permitted to hit their wives under some circumstances. During the year authorities received reports of seven incidents of physical violence against women and seven incidents of sexual violence against women.

A 2006 NGO report concerning the UN Convention on the Elimination of Discrimination Against Women stated that many women reported sexual harassment in public places and at their places of employment. There were no specific laws covering sexual harassment or spousal rape. Police reported that they received few complaints of assaults against women. The law gives judges the right to detain sex offenders, but courts did not consistently enforce some elements that protect children. However, recent changes to the section on conduct of court proceedings dealing with sex offenses include guidelines for stricter sentencing of offenders, who will face jail terms rather than banishment.

The Gender and Family Ministry's 2006 study on women's health and life experiences noted that one in three women between the ages of 15 and 49 reported some form of physical or sexual violence at least once in their lives. One in five women between the ages of 15 and 49 reported physical or sexual violence by a partner, and one in nine reported experiencing severe violence. One in six women in Male and one in eight countrywide reported experiencing childhood sexual abuse under the age of 15. Of those women between the ages of 15 and 49 who had ever been pregnant, 6 percent reported being physically or sexually abused during pregnancy.

In cases of harassment involving physical assault, violators can be prosecuted under the laws on "indecent assault." Although women traditionally played a subordinate role in society, they participated in public life. Women constituted approximately 40 percent of government employees. The literacy rate for women was approximately 98 percent. In July 2007 the government appointed the first female judges. The minimum age of marriage for women was 18 years, but marriages at an earlier age were common.

Under Islamic practice husbands may divorce their wives more easily than vice versa, absent mutual agreement to divorce. Shari'a also governs estate inheritance, granting male heirs twice the share of female heirs. Women who worked for wages received pay equal to that of men in the same positions.

Prostitution was illegal but occurred on a small scale. On September 2, police arrested numerous persons operating a prostitution ring in a Male apartment.

Children

The law sought to protect children from physical and psychological abuse, including at the hands of teachers or parents. The Ministry of Gender and Family Ministry has had the authority to enforce the law and received strong popular support. The ministry reported child abuse, including sexual abuse. Penalties for the sexual abuse of children range from as much as three years' imprisonment to banishment to a remote atoll.

Education is not compulsory, but there was universal access to free primary education. In many instances, parents curtailed education for girls after the seventh grade by not allowing them to leave their home island for another island with a secondary school.

Government policy provides for equal access to educational and health programs for both male and female children.

In January the High Court increased the sentence of four men who used an ax to enter a 12-year-old girl's bedroom and rape her in 2007. They were initially sentenced to eight months' exile from their island, Kurendhoo, for sex outside marriage; the High Court increased the banishment to two years and added fifteen lashes for each offender. However, even the stiffer sentence contradicted a government commitment in May 2007 that child sex offenders would be imprisoned rather than banished.

On May 24, authorities in Madaveli arrested two Bangladeshi nationals for molesting young boys between the ages of eight and 14.

On August 31, police arrested six teenage boys who raped a 14-year-old girl on Holhudhoo. They released the names of the two accused over age 18. The victim's family and children's protection advocates complained that the perpetrators were released on the island and were harassing and threatening the girl and her family.

In May 2007 on Goidhoo Island, Baa Atoll, five girls accused Imam Ali Rasheed of molesting them after Koran recitation classes. The mothers of three of the victims reported the abuse to the police, and Rasheed was arrested. The Supreme Council of Islamic Affairs banned Rasheed from preaching at the Goidhoo mosque. Rasheed remained under investigation following his release. The Gender and Family Ministry wrote to the AG and the police that anyone accused of such abuse should be kept in custody pending investigation.

In August 2007 on Villingilli, a commuter island near Male, three men tied a 15-year-old girl to a tree and sexually assaulted her. A mobile phone video was later released showing the attack. The police arrested the three men after receiving the video. The case was under investigation at year's end.

Trafficking in Persons

The law did not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, through, or within the country.

Persons with Disabilities

No law specifically addresses the rights of persons with physical or mental disabilities. Government programs provided services for persons with disabilities, including special educational programs for persons with hearing and vision disabilities. The government also established disability awareness and empowerment campaigns on some of the more populous islands. The government integrated students with physical disabilities into mainstream educational programs. Families usually cared for persons with disabilities; when family care was unavailable, persons with disabilities lived in the Ministry of Gender and Family's Institute for Needy People, which also assisted

elderly persons. When requested the government provided free medication for all persons with mental disabilities on the islands, but follow-up care was infrequent.

Other Societal Abuses and Discrimination

The law prohibits homosexuality, and citizens did not generally accept homosexuality. The punishment for men includes banishment for nine months to one year or whipping 10 to 30 times. For women the punishment is house arrest for nine months to one year.

There were no reports of official or societal discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The constitution recognizes the right to form associations, a right also conferred by the Associations Act of 2003. In May the president signed into effect a new Employment Act, which took effect in August. Parliament amended the law in October to include employees in the resort sector. The new legislation permits the formation of labor unions for the first time. At year's end no labor unions existed, but collective bargaining involving employees' associations primarily in the tourism sector began within days of the new law taking effect.

b. The Right to Organize and Bargain Collectively

The constitution recognizes a worker's right to form trade unions and strike. The constitution and the 2008 Employment Act do not address workers' rights to bargain collectively.

Traditionally, wages in the private sector were set by contract between employers and employees and were based on rates for similar work in the public sector.

Problems arose in some resorts when employees' associations petitioned for wage increases and improvements in the conditions of work. When one resort operator refused to meet the demands and fired the leaders of the employees' association, employees went on strike. In one instance, police used force to remove the fired workers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children.

d. Prohibition of Child Labor and Minimum Age for Employment

The Employment Act sets 16 as the minimum age for employment, with an exception for children who voluntarily participate in family businesses. Guidelines prohibit government employment of children under 18 and employment of children in any hazardous jobs such as construction, carpentry, welding, and driving.

Child labor was a problem in fishing, small commercial activities, and family enterprises. The Child Protection Unit of the Ministry of Health and Family was responsible for monitoring compliance with the law. The Ministry of Health and Family, the Ministry of Human Resources, Youth and Sports, and the Family and Child Protection Unit of

Maldives Police Service received complaints of child labor, conducted inquiries, and initiated legal action when necessary.

e. Acceptable Conditions of Work

The Employment Act of 2008 establishes maximum hours of work, overtime, annual and sick leave, maternity leave, and guidelines for work place safety. The act also provides a mechanism to establish a minimum wage in the private sector. The minimum wage in the government sector was approximately 2,600 rufiya (\$206) per month, which was adequate for a decent standard of living. Because of the tight labor market, private sector employers generally offered competitive pay and conditions to attract skilled workers.

The Employment Act establishes a Pay Advisory Board consisting of representatives from government and industry. The Employment Tribunal and the Labor Relations Authority stipulated in the new law were not been formed to adjudicate disputes. The Pay Advisory Board advises the minister of human resources, youth, and employment on setting minimum wages in the private sector.

The Employment Act creates a 48-hour/week cap on work with a compulsory 24-hour break if employees work six days consecutively. Overtime is possible; for example, employees in tourist resorts may work an additional two hours per day paid at overtime rates. The public sector provides a seven-hour day, five-day work week.

Under the Employment Act, workers have the right to refuse work that is dangerous. Regulatory requirements in certain industries, such as construction and transport, require employers to provide a safe working environment and ensure the observance of safety measures. The Employment Act grants workers the right to compensation if fired without cause.

Late in the year, the government established a Labor Relations Authority to implement the new Employment Law. The Employment Tribunal, as stipulated in under the new law, had not been formed by year's end. The new law also requires the Ministry of Human Resources to issue specific rules for employment of immigrant labor by February 2009. The act specifically bans discrimination based on race or color but notes that "any preference given to Maldivians by an employer in granting employment shall not be deemed discrimination."

The Employment Act does not cover emergency workers, air and sea crews, executive staff of any company, and persons on on-call duty.